

Ethics Commission

MISSION STATEMENT

The mission of the Ethics Commission is to enforce the Montgomery County Code of Ethics by ensuring the ethical conduct of individuals who serve the County government.

BUDGET OVERVIEW

The total recommended FY06 Operating Budget for the Ethics Commission is \$210,270, an increase of \$21,410 or 11.3 percent from the FY05 Approved Budget of \$188,860. Personnel Costs comprise 84.8 percent of the budget for two full-time positions for two workyears. Operating Expenses account for the remaining 15.2 percent of the FY06 budget.

HIGHLIGHTS

- ❖ *The web based Financial Disclosure System streamlined the filing process by distributing forms in a timely manner, ensuring proper completion, and routing the form to the appropriate reviewer.*
- ❖ *The Ethics Commission's web site and automated library made current and past advisory opinions available to the public.*

PROGRAM CONTACTS

Contact Barbara McNally of the Ethics Commission at 240.777.6670 or Alexandra Shabelski of the Office of Management and Budget at 240.777.2785 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Ethics Program Compliance

The Ethics Commission administers the County's Code of Ethics by encouraging and enforcing compliance and ensuring the ethical conduct of employees of the Executive Branch, County Council, selected Boards and Commissions, the Revenue Authority, Housing Opportunities Commission, Fire Corporations, and Rescue Squads. The Commission also serves in an advisory capacity to the Washington Suburban Transit Commission. The compliance goal is achieved through the following activities:

Education – the Ethics Commission provides ethics education and training for County officials and employees and provides computer access to all reporting forms required under the Ethics law.

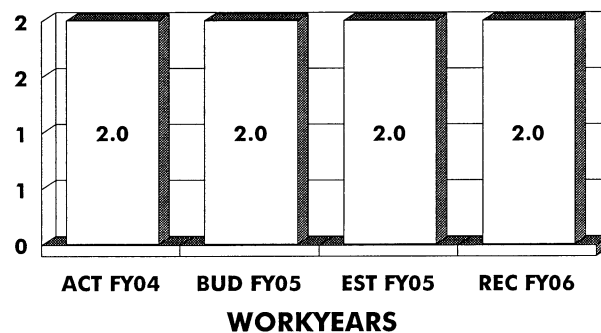
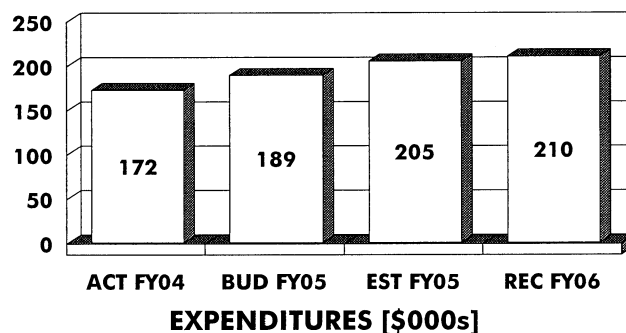
Financial Disclosure – the Ethics law requires specific public officials and employees to disclose financial information to avoid potential conflicts of interest.

Lobbying Registration – requires lobbyists to register and report

Program Summary

	Expenditures	WYs
Ethics Program Compliance	210,270	2.0
Totals	210,270	2.0

Trends



lobbying activities involving the County government when income or expenditures exceed \$500.

Outside Employment – requires employees and officials to obtain approval from the Commission to be engaged in outside employment.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	188,860	2.0
FY06 CE Recommended	210,270	2.0

BUDGET SUMMARY

	Actual FY04	Budget FY05	Estimated FY05	Recommended FY06	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	98,792	120,950	120,210	127,060	5.1%
Employee Benefits	37,182	48,840	45,760	51,160	4.8%
County General Fund Personnel Costs	135,974	169,790	165,970	178,220	5.0%
Operating Expenses	36,083	19,070	38,860	32,050	68.1%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	172,057	188,860	204,830	210,270	11.3%
PERSONNEL					
Full-Time	2	2	2	2	—
Part-Time	0	0	0	0	—
Workyears	2.0	2.0	2.0	2.0	—

FY06 RECOMMENDED CHANGES CROSSWALK

	Expenditures	WYs
COUNTY GENERAL FUND		
FY05 ORIGINAL APPROPRIATION	188,860	2.0
Other Adjustments (with no service impacts)		
Increase Cost: Temporary help to assist in expanded Financial Disclosure operations and general office support	15,000	0.0
Increase Cost: FY06 compensation	6,610	0.0
Increase Cost: FY06 Retirement Rate Adjustments	3,890	0.0
Increase Cost: Annualization of FY05 Personnel Costs	1,260	0.0
Increase Cost: Records Management	220	0.0
Decrease Cost: Annualization of FY05 Operating Expenses	-2,240	0.0
Decrease Cost: FY06 Group Insurance Rate Adjustments	-3,330	0.0
FY06 RECOMMENDATION:	210,270	2.0

FUTURE FISCAL IMPACTS

Title	CE REC. FY06	FY07	FY08	(\$000's) FY09	FY10	FY11
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY06 Recommended	210	210	210	210	210	210
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	5	6	6	6	6
These figures represent the annualization of FY06 increments, general wage adjustments, and associated benefits. Estimated compensation (e.g., general wage adjustment and service increments) for personnel are included for FY07 and beyond.						
Subtotal Expenditures	210	215	216	216	216	216

ETHICS COMMISSION

PROGRAM: Ethics Program Compliance		PROGRAM ELEMENT:				
PROGRAM MISSION: To ensure the ethical conduct of individuals who serve the County government						
COMMUNITY OUTCOMES SUPPORTED: • Ethical government • Trust in government • Respect for the law • Equal access and opportunities for County citizens and businesses						
PROGRAM MEASURES ^a		CY02 ACTUAL	CY03 ACTUAL	CY04 ACTUAL	FY05 BUDGET	FY06 CE REC
Outcomes/Results:						
Outside employment conflicts identified and resolved by imposing conditions	3	3	7	3	10	
Outside employment requests denied	0	3	5	1	3	
Waiver requests denied resulting in advisory opinions	2	2	2	1	2	
Waiver requests granted	1	2	1	2	4	
Complaints upheld and resolved by consent order	0	1	2	2	4	
Complaints upheld and resolved by adjudicatory hearing	0	0	0	0	0	
Legislative, regulatory, and procedural changes recommended	1	1	2	2	3	
Legislative, regulatory, and procedural changes approved/enacted	1	1	2	2	3	
Service Quality:						
Commission decisions appealed	0	1	0	1	3	
Outside employment decisions appealed	0	2	0	0	5	
Percentage of outside employment decisions overturned on appeal	0	0	0	0	0	
Investigations pending from previous year	0	2	2	2	3	
Average time to investigate a request for approval of outside employment (hours)	0.5	0.5	0.5	0.5	0.6	
Efficiency:						
Cost per routine transaction processed (\$) ^b	73.54	75.33	67.71	70.79	75.77	
Workload/Outputs:						
Complaints received and investigated	4	9	5	5	3	
Complaints dismissed	1	4	3	1	1	
Waiver requests received and reviewed	3	4	5	5	7	
Advisory opinions requested	12	16	14	4	10	
Advisory opinions rendered	12	16	14	4	10	
Investigations initiated	4	5	2	3	5	
Requests for outside employment received and decided	701	646	684	693	750	
Percentage of requests for outside employment approved	99	97	99	99	98	
Lobbyist registrations processed	88	84	125	120	150	
Lobbyist activity reports filed	133	77	150	175	175	
Financial disclosure statements processed	1,255	1,443	1,582	1,680	1,700	
Website hits	NA	NA	NA	TBD	TBD	
Inputs:						
Expenditures (\$)	160,094	169,488	172,060	188,860	210,270	
Workyears	2.0	2.0	2.0	2.0	2.0	
Notes:						
^a All figures except expenditures and workyears are based on the calendar year (e.g. FY04 expenditures and workyears are reported in the CY04 column).						
^b Routine transactions include outside employment approval requests, lobbyist registration forms and activity reports, and financial disclosure forms processed.						
EXPLANATION: The Ethics Commission is the sole authority for interpretation of the County's Ethics Law. The Commission administers the County's Code of Ethics by encouraging and enforcing compliance and ensuring ethical conduct by employees of the Executive Branch, the County Council, Boards and Commissions, the Revenue Authority the Housing Opportunities Commission, Fire Corporations, and Rescue Squads. Compliance is achieved through several mechanisms. Designated public officials, employees, appointees, candidates for public office, and volunteers are required to disclose financial information that could reveal existing or potential conflicts of interest. Lobbyists are required to register and periodically report on lobbying activities involving the County government when lobbying income or expenditures exceed \$500 (\$1,000 for non-profits). The Ethics Commission receives and acts on complaints of violations of the ethics law, decides on requests to approve outside employment, renders advisory opinions, distributes and reviews financial disclosure forms and lobbying registration forms, and serves as the official repository for forms and records filed under the County's Public Ethics Law. When requested, the Commission may waive certain provisions of the Ethics Law, subject to statutory standards and, in some cases, the imposition of special conditions. The Commission is authorized to conduct investigations (on the basis of formal complaints or at its own initiative), issue summonses and subpoenas, impose sanctions, adopt regulations, establish procedures, publish advisory opinions, and conduct related public information and education programs. Complaints can be dismissed by the Commission or, if upheld, disposed by consent order or through an adjudicatory hearing. Possible sanctions include fines, public or private reprimands, termination of employment, and criminal prosecution. A person affected by a final decision of the Commission on a complaint, request for waiver, or request for outside employment approval may ask for a rehearing and, if unsuccessful, appeal to the Circuit Court.						
PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: County Attorney's Office.						
MAJOR RELATED PLANS AND GUIDELINES: Section 19A, §2-109, §11B-51, and §11B-52(a) of the Montgomery County Code; Executive Order 2199; Council Resolutions 14-1055 and 14-818.						